



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via Electronic Mail and First Class Mail

Elliot S. Berke
Berke Farah LLP
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Washington, D.C. 20036
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OCT 11 2016

RE: MURs 6563 and 6733
Representative Aaron Schock

Dear Mr. Berke:

On October 6, 2016, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 52 U.S.C. § 30125(e) of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in these matters.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy, Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the Respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact Tanya Senanayake, the attorney handling this matter, at (202) 694-1571.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Y. Tran".

Lynn Y. Tran
Assistant General Counsel

Enclosure
Conciliation Agreement

11004440-10001

1 support of Representative Adam Kinzinger in his primary election against Representative Don
2 Manzullo in the 16th Congressional District of Illinois on March 20, 2012.

3 3. Respondent, to raise funds for CPA to broadcast these advertisements, took the
4 following actions on or about March 14, 2012:

5 A. Respondent asked Representative Eric Cantor to contribute \$25,000 to
6 CPA. Respondent contends that he did so after he spoke with his counsel. Representative
7 Cantor's leadership PAC, Every Republican Is Crucial (ERICPAC), contributed \$25,000 to CPA
8 on March 15, 2012.

9 B. It was alleged that Respondent asked the 18th District Republican
10 Central Committee Federal Account ("18th District Committee"), a local political party
11 committee in the 18th Congressional District in Illinois, to contribute \$25,000 to CPA. The 18th
12 District Committee contributed \$25,000 to CPA on March 16, 2012.

13 4. The Federal Election Campaign Act of 1971, as amended ("the Act"), and
14 Commission regulations prohibit any federal candidate and any individual holding federal office
15 from soliciting funds in connection with an election for federal office unless the funds are subject
16 to the limitations, prohibitions, and reporting requirements of the Act. 52 U.S.C.
17 § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

18 5. The Act limits contributions to non-authorized, non-party committees to
19 \$5,000 in any calendar year. 52 U.S.C. § 30116(a)(1)(C). This contribution limit does not apply
20 to contributions to independent expenditure-only committees under *Citizens United v. FEC*, 558
21 U.S. 310 (2010), and *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010).

22 6. The Act's solicitation restrictions under 52 U.S.C. § 30125(e)(1)(A) remain
23 applicable to federal candidates and individuals holding federal office soliciting contributions

11004461-0001

1 from individuals and federal PACs. *See* Advisory Opinion 2011-12 (Majority PAC).
2 Accordingly, federal candidates and individuals holding federal office may not solicit
3 contributions in excess of \$5,000 from individuals and federal PACs to non-authorized, non-
4 party committees in connection with an election for federal office. *See* 52 U.S.C. §§ 30125(e),
5 30116(a).

6 7. The Commission defines "to solicit" to mean:

7 to ask, request, or recommend, explicitly or implicitly, that another person make a
8 contribution, donation, transfer of funds, or otherwise provide anything of value.
9 A solicitation is an oral or written communication that, construed as reasonably
10 understood in the context in which it is made, contains a clear message asking,
11 requesting, or recommending that another person make a contribution, donation,
12 transfer of funds, or otherwise provide anything of value. A solicitation may be
13 made directly or indirectly. The context includes the conduct of persons involved
14 in the communication. A solicitation does not include mere statements of
15 political support or mere guidance as to the applicability of a particular law or
16 regulation.

17
18 11 C.F.R. § 300.2(m).

19 V. 1. Respondent solicited a \$25,000 contribution from Representative Cantor to
20 CPA. Respondent violated 52 U.S.C. § 30125(e) by soliciting a contribution in excess of the
21 \$5,000 statutory limit.

22 2. In order to avoid the delay and expense of litigation, Respondent does not
23 admit but no longer contests that Respondent violated 52 U.S.C. § 30125(e) by soliciting a
24 contribution from the 18th District Committee to CPA in excess of the \$5,000 statutory limit.

25 3. The Commission did not find reason to believe that Respondent's violation of
26 the Act was knowing or willful.

27 VI. 1. Respondent will pay a civil penalty to the Commission in the amount of Ten
28 Thousand Dollars (\$10,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

1100140-1M110

1 FOR THE RESPONDENT:

2 Elliot S Berke
3 Elliot S. Berke
4 Counsel for Respondent

7/14/16
Date

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